

PCT COOPERATION TREATY

NO US on AU
"X" refs

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
RANBAXY LABORATORIES LIMITED
Attn. Deskmukh, Jay R.
600 College Road East, Suite 2100
Princeton, New Jersey 08540
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

JAN 21 2004

Date of mailing
(day/month/year) 21/01/2004

Applicant's or agent's file reference

RLL-314WO

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/IB 03/01754

International filing date
(day/month/year)

06/05/2003

Applicant

RANBAXY LABORATORIES LIMITED

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Kerstin G[^]tz

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference RLL-314WO	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 03/01754	International filing date (day/month/year) 06/05/2003	(Earliest) Priority Date (day/month/year)
Applicant RANBAXY LABORATORIES LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 8 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB 03/01754

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 03/01754

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07D413/14 A61K31/422 A61P31/04

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

CHEM ABS Data, EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2003 027083 A (MERCK & CO., INC., USA; KYORIN PHARMACEUTICAL CO., LTD.) 3 April 2003 (2003-04-03) claim 6; example 134 ---	1,9-14, 21-23
X	WO 99 64417 A (ZENECA LIMITED, UK) 16 December 1999 (1999-12-16) Claims and compounds of ex. 3, 11, 13, 15, 17, 26, 28, 31, 32, 34, 59, 131, 133, 137 and 167. ---	1,9-14, 21-23
X	WO 97 30995 A (ZENECA LTD., UK; GRAVESTOCK, MICHAEL BARRY) 28 August 1997 (1997-08-28) cited in the application claims, compounds of examples 12-13, 25-26, 37-38 and several compounds of table A p. 79 and table B p.81-82 ---	1,2,6, 9-15,19, 21-24, 28,30-32
	--- -/--	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

25 November 2003

Date of mailing of the international search report

21/01/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Gregoire, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 03/01754

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 2000 021960 A (ZENECA LIMITED, UK) 20 April 2000 (2000-04-20) cited in the application claim 6; example 47 ---	1,9-14, 21-23
X	WO 99 10342 A (ZENECA LIMITED, UK) 4 March 1999 (1999-03-04) claims 1,2 ---	1,9-14, 21-23
X	WO 97 09328 A (UPJOHN CO., USA; HUTCHINSON, DOUGLAS, K.; ENNIS, MICHAEL D.; HOFFMAN, R) 13 March 1997 (1997-03-13) claims 1,2 ---	1,9-14, 21-23
X	WO 2003 072575 A (ASTRAZENECA AB, SWED.; ASTRAZENECA UK LIMITED) 4 September 2003 (2003-09-04) Intermediates 54 and 57 on pages 107 and 111 ---	1,21-23
X	WO 2002 096916 A (ASTRAZENECA AB, SWED.; ASTRAZENECA UK LIMITED) 5 December 2002 (2002-12-05) Intermediates of steps 4 and 5 page 10 -----	1,21-23

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1-7(part), 9-34(part)

Claims 1-7 and 9-34, in as far as the expressions "prodrugs" and "metabolites" are explicitly or implicitly concerned, is so unclear (Article 6 PCT) that a meaningful international search is impossible with regard to these expressions.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB 03/01754

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 11-20 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 1-7(part), 9-34(part)
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Inform: on patent family members

Inter: 1st Application No

PCT/IB 03/01754

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 2003027083	A	03-04-2003	WO 03027083 A1	03-04-2003
			US 2003125367 A1	03-07-2003
WO 9964417	A	16-12-1999	AU 753988 B2	31-10-2002
			AU 4157199 A	30-12-1999
			BG 105001 A	28-09-2001
			BR 9910971 A	13-02-2001
			CA 2333332 A1	16-12-1999
			CN 1311787 T	05-09-2001
			EE 200000707 A	15-04-2002
			EP 1082323 A2	14-03-2001
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			HU 0103082 A2	28-10-2002
			JP 2002517498 T	18-06-2002
			NO 20006152 A	02-02-2001
			NZ 508174 A	31-10-2003
			PL 345162 A1	03-12-2001
			SK 18362000 A3	11-06-2001
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			ZA 200006694 A	18-02-2002
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			EP 0882042 A1	09-12-1998
			WO 9730995 A1	28-08-1997
			JP 11514662 T	14-12-1999
			US 2002133022 A1	19-09-2002
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			US 6365751 B1	02-04-2002
			US 5981528 A	09-11-1999
			ZA 9701469 A	25-08-1997
WO 2000021960	A	20-04-2000	AU 754123 B2	07-11-2002
			AU 6113199 A	01-05-2000
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			CN 1322203 T	14-11-2001
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			WO 0021960 A1	20-04-2000
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			JP 2002527439 T	27-08-2002
			NO 20011738 A	07-06-2001
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			US 2003207899 A1	06-11-2003
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WO 9910342	A	04-03-1999	EP 1005468 A1	07-06-2000
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			JP 2001514178 T	11-09-2001
			US 6605630 B1	12-08-2003
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			AU 716493 B2	24-02-2000
			AU 6718196 A	27-03-1997
			BR 9610474 A	02-03-1999
			CA 2228647 A1	13-03-1997
			CN 1197457 A ,B	28-10-1998

INTERNATIONAL SEARCH REPORT

Inform on patent family members

Inter national Application No

PCT/IB 03/01754

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9709328	A	CZ 9800493 A3	12-08-1998
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		DE 69616366 T2	04-07-2002
		DK 856002 T3	11-02-2002
		EP 0856002 A1	05-08-1998
		ES 2165516 T3	16-03-2002
		FI 980452 A	27-02-1998
		HK 1014946 A1	01-03-2002
		HU 9901979 A2	28-02-2000
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		NO 980855 A	30-04-1998
		NZ 315469 A	28-01-2000
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WO 2002096916	A	05-12-2002	WO 02096916 A1
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